

**MINUTES**  
**OF**  
**THE UTAH RADIATION CONTROL BOARD**  
**November 4, 2005**  
**The Grand Center**  
**182 North 500 West, Moab, UT 84532**

**BOARD MEMBERS PRESENT**

Karen S. Langley, M.S., Chair,  
Stephen T. Nelson, Ph.D., Vice Chair,  
Dianne R. Nielson, Ph.D., Director of DEQ  
Dane Finerfrock, Executive Secretary  
Kent J. Bradford, P.G.  
Linda M. Kruse, M.S.  
Joette Langianese, Commissioner  
Joseph K. Miner, M.D.  
Dan L. Perry, B.S.  
Robert S. Pattison, B.S.  
John W. Thomson, M.D.

**BOARD MEMBERS ABSENT/EXCUSED**

Keith C. Barnes, J.D.  
Rod O. Julander, Ph.D.  
Gregory G. Oman, D.D.S., B.S.

**DRC STAFF/OTHER DEQ MEMBERS  
PRESENT**

Molly M. Gregerson, DRC Staff  
Craig Jones, DRC Staff  
Loren Morton, DRC Staff  
Fred Nelson, Attorney for DEQ  
Yoli Shropshire, DRC Staff

**PUBLIC**

Kyle Bailey, Moab City  
Keith Brewer, Moab City Council  
Steve Erickson, Citizens Ed. Project  
Dave Erley, Citizens Ed. Project  
Judy Fayes, Salt Lake Tribune  
Jason Groenewold, HEAL – UT  
Pam Hackley, Citizen of Moab  
Ron Hochstein, IUC (USA)  
James Holtkamp, Attorney for Envirocare  
Rob Jensen, Citizen Ed. Project  
Bob Lipparan, Town Castle Valley  
A Sherpreed Oaecheae  
Tye Rogers, Envirocare of Utah, LLC  
Richard B. Robertson, Citizens Ed. Project  
Dan Shrum, Envirocare of Utah, LLC  
Ken Sleight, Sierra Club  
Craig Thorley, Envirocare of Utah, LLC  
Mark Walker Envirocare of Utah, LLC  
Winstor Wacker, Citizens Ed. Project

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the Grand Center, 182 North 500 West, Moab, Utah, 84532. Karen S. Langley, Chair, called the meeting to order at 1:05 p.m. She welcomed the Board Members and the public. Karen Langley indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

### **I. APPROVAL OF MINUTES (Board Action Item)**

#### **a. Approval of September 9, 2005, Minutes**

Karen S. Langley, Chair, asked the Board Members if they had any corrections to the minutes of September 9, 2005.

Karen S. Langley, Chair, proposed the following changes to the Minutes.

1. Page 11, Item V., a., after Questions by the Board Members:, fifth paragraph, Karen's name which reads: "**Karens S. Langely**, Chair:" **Changed to read: "Karen S. Langley, Chair"**
2. Page 12, Item V., b., first paragraph, first sentence, which reads: "Loren Morton reported . . . to his associates Brian Hamos and Rob Herbert **who had been worked . . .**" **Change to read: "who had worked . . ."**
3. Page 13, Item V., b., third paragraph, fourth sentence, which reads: "The study also included . . . which pushes a **stainless steel in the pipe . . .**" **Change to read: . . . stainless steel pipe . . ."**
4. Page 13, Item V., b., eighth paragraph, second sentence, which reads: Essentially, **what it this boils . . .**" **Change to read: ". . . this boils . . ."**
5. Page 13, Item V., b., eighth paragraph, fourth sentence, which reads: "The attached order . . . and maintain, **how it's monitored, how it's monitored** and how they . . ." **Change to read: ". . . and maintain, how it's monitored** and how they . . ."
6. Page 14, Item V., b., tenth paragraph, second sentence, which reads: "The **firs** cessation will . . ." **Change to read: "The first . . ."**
7. Page 15, Item VI., a., fifth paragraph and third paragraph, which read: "DOE has **indicted** that . . ." **Change to read: "DOE has indicated . . ."**
8. Page 17, Item IX, last paragraph, which reads: ". . . as the Board Meeting dates **near** to be held by November 4, 2005." **Change to read: ". . . gets nearer to being held . . ."**

**MOTION MADE BY KENT J. BRADFORD, TO APPROVE THE MINUTES WITH CORRECTIONS, SECONDED BY DAN L. PERRY.**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

**b. Approval of October 19, 2005 Board Hearing Minutes**

Karen S. Langley, Chair, asked the Board Members if they had any corrections to the transcript (minutes) of the October 19, 2005, Board Hearing.

There were no corrections to the Board transcript.

**MOTION MADE BY STEPHEN T. NELSON, TO APPROVE THE TRANSCRIPT AS WRITTEN, SECONDED BY ROBERT S. PATTISON.**

**One abstention by Joseph K. Miner.**

**MOTION CARRIED AND PASSED**

**II. RULES  
No Items**

**III. RADIOACTIVE MATERIALS LICENSING/INSPECTION**

**a. Enhanced Security Controls for RAM Licenses**

Craig Jones, DRC Section Manager, provided the Board with information about measures taken to increase the safety and security in controlling radioactive materials in the United States. He said that there has been a lot of concern about radioactive materials and public interest in the safety measures taken by regulatory agencies, since September 11, 2001, to increase protection of the public and the environment.

Craig said the first actions taken by regulatory agencies were to minimize harm from WMDs, Weapons of Mass *Disruption*. He noted that he was not referring to weapons that could cause widespread destruction. Craig explained that protective measures by regulatory agencies have addressed harm from radiological dispersal devices (a dirty bomb) or radiological exposure devices. He then described each device.

Craig explained that there are certain factors to consider when addressing potential consequences or vulnerabilities from an attack. Some of these factors include: the number of sources of radioactive materials; quantity (activity) of radioactive material; half-life of the material; and radiotoxicity. Next, he discussed radioactive devices that may be targets

of terrorist interest. For this discussion, he referred to a document prepared by the International Atomic Energy Agency (IAEA). The publication is IAEA-TECDOC-1191, "Categorization of Radioactive Sources."

Another item discussed by Craig dealt with factors considered when assessing vulnerability. He noted that the effectiveness of a physical security system was important and depended on the ability to detect an intrusion; delay an intruder; and cause an appropriate response. He also mentioned that theft and sabotage events were particularly relevant when assessing vulnerability. Craig summarized this portion of his presentation by explaining there were also human-vulnerabilities to consider, and there may be a trade-off between cost and any risk-reduction benefits.

Finally, Craig summarized ten specific actions, since September 11, 2001, that were taken at a Federal level to enhance security over radioactive material. He explained that the Division of Radiation Control would be implementing additional requirements by December 2, 2005. He said that all Agreement States and the Nuclear Regulatory Commission would issue legally-binding, license requirements to certain licensees within their respective jurisdictions.

Craig mentioned two specific control methods that the licensee must implement. The first method will require that the licensee allow only individuals who have been found to be trustworthy and reliable to have unescorted access to radioactive materials. The second method will require that the licensee have a documented-program to monitor, immediately detect, assess, and respond to unauthorized access of radioactive material. Craig explained that the information licensees will be submitting to the Division of Radiation Control will be exempt from disclosure under the Government Records Access and Management Act.

**Questions by the Board Members followed:**

**Karen S. Langley, M.S., Chair:**

She asked if the requirements were coming from the Nuclear Regulatory Commission (NRC) or the Division, and she asked if the Division or if the NRC will receive and review the licensees' responses.

**Craig Jones responded:**

The DRC will be implementing legally-binding requirements on the licensees that are affected in Utah. The method used will be an administrative-amendment to the radioactive material license. A letter will be mailed within the next, three weeks, and facilities will have 180 days to "put in place" their increased control measures.

**Karen S. Langley, M.S., Chair:**

Karen asked how many days the licensees would have to respond to DRC with a plan and remain in compliance?

**Craig Jones responded:**

Twenty-five calendar days.

**IV. X-RAY REGISTRATION/INSPECTION**

No Items

**V. RADIOACTIVE WASTE DISPOSAL (Board Information Item)**

- a. **Schedule for HEAL Utah's Appeal: See Attached Transcript**

**VI. URANIUM MILL TAILINGS UPDATE (Board Information item)**

- a. **Presentation by International (USA) Uranium Corporation, Inc. – “IUC Mill Issues Update”**

The following outline summarizes the IUC items that Ron Hochstein provided to the Board:

**Corporate Activities:**

- Uranium Prices are at a Twenty Year High
- Evaluating the restart of U.S. Mining Operations
- Work with DRC on the Fansteel License Amendment
- Another Alternate Feed License Amendment in Process
- Exploration Programs Underway in Saskatchewan & Mongolia
- Uranium Prices have “Gone-Up,” Since 1996 to Present

**Current Mill Activities:**

- Processing Cameco Alternate Feed Material Product Over 500,000 lbs of Uranium
- Currently 39 Employees
  - 19 IUSA Employees
  - 20 Whit Mesa Inc Contract Employees
  - Mill Run Anticipated to last 18 months
- “Clean Out” of Cell 4A Completed
  - Final, Clean-Out Plan Under Review by DRC
  - IUSA Preparing Engineering Plan for the Re-lining of Cell 4A
  - Anticipate Re-lining in 2006

- Chloroform Update
  - 3 Additional Wells Drilled
  - Pumping Continues from 4 Wells
- Ore Processing
  - From IUSA Mines
  - Toll Milling Agreements
  - Purchased Ore
    - The Mill has processed ore from over 150 different mines from Utah, Arizona and Colorado
- DRC Activities
  - Mill Inspections: Three to Date--No Violations
  - DRC Reviewed Reclamation Bond and Surety
  - Review of Fansteel License Amendment Request
- Groundwater Discharge Permit
  - 6 Monitoring Wells Increased to 21 Monitoring Wells
    - 2 Chloroform-wells Converted to Monitoring Wells
    - 8 New Wells Drilled
  - 6 Monitoring Parameters Increased to 46
- Fansteel License Amendment
  - Original Amendment Request submitted in March 2005
  - 7 month Comprehensive Process to Review License Amendment & Produce Safety environmental Report (“SER”)
  - SER Issued for Public Comment on November 2, 2005
- **Japanese Ore**
  - Approximately 290 m3 or 500 tons of Uranium Ore
    - Represents < 6 hours of Processing Time at the Mill
    - Represents < 0.01% of Current Tailings Capacity
  - Ore From Togo Mine in Tottori Prefecture in Japan
    - Mined From 1958 to 1961
  - Extensive Characterization Completed by Japanese & IUSA
- **Japanese Ore**
  - Shipped From Japan in Sea-Containers
  - Trucked to White Mesa Mill
  - Currently Receiving Ore at the White Mesa Mill
  - Processing Scheduled for December 2005
  - Processed Under Standard, Toll-Milling Agreement

- **Regulatory Agencies Involved**
  - Utah Division of Radiation Control
  - U.S. Department of State
  - U.S. Nuclear Regulatory Commission
  - U.S. Department of Agriculture
  - “OPEN COMMUNICATION”
- **Conclusions**
  - Mill Can Receive Ore Under its Radioactive Materials License
  - Mill is Regulated by DRC Under its Radioactive Materials License
  - Open Regulatory Process

**b. Letter from Steve Erickson**

Dane L. Finerfrock, Executive Secretary, said that he provided the Board with a letter he received from Steve Erickson in the Board packets. The letter discusses the importation of uranium-bearing waste to IUC from Japan. Dane said that Steve Erickson was present and wanted to make comments on the uranium-bearing waste from Japan. Dane invited Steve Erickson to come forward and provide his comments to the Board.

Steve Erickson discussed the comments in his letter to Dane. Below are Steve’s concerns mentioned in the letter:

Issues and Concerns Discussed by Steve Erickson:

- (1) DEQ/DRC failed to show “regulatory primacy” over the uranium mill and mill tailings, now that Utah is an Agreement State.
- (2) Approximately 500 tons of ore or waste-rock coming to IUC has a uranium concentration of approximately 0.03%. This material is below the federal regulatory level of 0.05% (uranium concentration that would require a permit from NRC). The State of Utah has no regulatory authority to block the shipment.
- (3) The DRC has not made an effort to investigate the material coming into the State of Utah.
- (4) The amount of uranium in the ore is simply not worth the effort and cost to process. Obviously, IUC must be getting a substantial payment to take the waste-rock, in order to make this arrangement worthwhile.
- (5) There are significant issues with a paucity of accurate and verifiable information; therefore, under provisions of Utah Government Access and Records Act, Steve said he has requested all records pertaining to this matter.

Steve Erickson suggested that since Utah's, Agreement-State Status is new, the DRC and the Radiation Control Board should review its policies and procedures for how uranium-bearing materials are determined to be ore or 11e.(2) (mill tailings waste) material, and how they will be made subject to the rules established by the State. These policies and procedures should be clearly explained to the public to avoid confusion and misunderstanding. He also suggested that the Board and the Division establish a public process (with notification and opportunity for review and comment) on proposals where such determinations must be made.

Please note: portions of the DRC recording of the November 4, 2005, Board Meeting was not audible; consequently, the DRC was not able to refer to Steve's presentation "exactly as it was presented" to the Board. Comments that followed Steve's presentation are also not available.

## **VII. OTHER DIVISION ISSUES (Board Information items)**

### **a. Appeal of Envirocare License Amendment for Site Boundary Expansion**

Dianne R. Nielson, Ph. D., DEQ Director, informed the Board that although the Board did not have time to discuss the "amendment appeal," the memo with her response had been distributed to the Board Members. She felt the memo was "self explanatory."

Dianne said that she wanted her response to the e-mail and her position on the "amendment appeal" on record. Dianne said that if Board Members or concerned parties had any questions regarding her position that she would be happy to do discuss it with them at any time.

Stephen T. Nelson, Ph.D., Vice Chair, said that he also received a copy of the "email in question" in the mail without a return-address, and that he did not find this helpful.

Karen S. Langley, M.S., Chair, said it is in the record.

## **IX. OTHER ISSUES**

Next Board Meeting: Karen S. Langley, M.S., Chair, asked for the next Board Meeting to be held on December 2, 2005.

The Board Meeting adjourned at 3:30 p.m.